UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,628	03/25/2004	Nagaraja Rao	2003P04328 US01	7484

7590   05/30/2008

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EXAMINER
OKORONKWO, CHINWENDU C

ART UNIT	PAPER NUMBER
2136	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-15* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

02/27/2008 has been entered.

Response to Amendment

2. In response to communications filed on 02/27/2008, claims 1-15 are presented

for examination.

Response to Remarks/Arguments

3. Applicant's arguments, pages 6-10, with respect to the rejection of claims 1-15

have been fully considered but they are moot under new ground(s) for rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lumme et al. (US Patent No. 6,711,689 B2) in view of Gosewehr (U.S. Patent

No. 7,308,491 B2)

Regarding claims 1 and 11-12, Lumme et al., discloses a method for providing

maintenance operations for a switch of a telecommunications service provider,

while securing lawful intercept related data collected by the switch and stored in

a database associated with the switch and preventing another entity outside the

telecommunications service provider from decrypting that portion of the database

including the intercept related data without authorization from the

telecommunications service provider, comprising the steps of: encrypting that

portion of the database including the intercept related data (4:62-67 –

"interception data collection means may be arranged to create a secure tunnel by

a secure authentication, wherein the collected intercepted data is transferred via

said tunnel using a secure data encryption" and 5:1-52 - "a secure authentication

and tunneling may be performed by using VPN or SSH ... [and] the network

element may be arranged to store entries for authenticated interception

destinations which can set and reset the interception information." Lumme et al.

further recites, "transmitting collected intercepted data from the first network

element to an interception browsing element, browsing the transmitted

intercepted data at the interception browsing element based on an external command from a second network element having an interception activation and deactivation function … the intercepted data may be received from the network element having the interception data collection function via a secure tunnel").

Lumme et al. is silent in disclosing a switch within a switching center in which upgrading a portion of the database including upgradable control data for controlling the switch, which is within the switching center of the telecommunication service provider, by another entity outside the telecommunications service provider, however Gosewehr does disclose these features (1:61 – 2:43 – "switching centers that may easily undergo on-line software upgrades" and 3:5-11 – "installing an upgraded first call process server application on the first CAN, such that an upgraded first primary call process of the upgraded first call process server application executes on the first CAN and creates on the first CAN an upgraded first backup call process of the upgraded first call process server application" and 9:22-25 – "an online software upgrade process"). It would have been obvious for one of ordinary skill in the art to, at the time of the invention, to combine the interception system and method of Lumme et al. with the system and method of maintenance of a switching node, the motivation and benefit being that there is a need for "switching node technology [to] constantly improve to [handle] escalated service demands (1:13-14)."

Additionally, without such a feature the "downtime can be costly for end-offices, in that determining the source of, and troubleshooting, the problem can take hours and even days (1:22-24)." Therefore it would have been obvious that "one solution currently adopted by switch manufacturers involves adding both hardware and software maintenance features to the switch to simplify the troubleshooting efforts of technicians (1:27-30)."

Regarding <u>claims 2 and 13</u>, <u>Lumme et al.</u>, discloses the method according to claim 1, further comprising the step of creating a logical key at the telecommunications company that allows the portion of the database including the intercept related data to be decrypted (8:47-67 and 9:52-56).

Regarding <u>claim 3</u>, <u>Lumme et al.</u>, discloses the method according to claim 1, further comprising the step of inserting the logical key into the portion of the database including the intercept related data to be encrypted (4:62-67 and 5:1-3).

Regarding <u>claim 4</u>, <u>Lumme et al.</u>, discloses the method according to claim 1, further comprising the step of creating the key creates a software key that is used for the encryption of the portion of the database including the intercept related data (10:66-67 and 11:1-39).

Regarding claim 5, Lumme et al., discloses the method according to claim 1,

further comprising the step of blocking access to display commands that cause

the portion of the database including the intercept related data to be displayed by

the switch (3:26-36).

Regarding claim 6, Lumme et al., discloses the method according to claim 1,

further comprising the step of sending the database to a vendor with the portion

of the database that is encrypted (3:56-59).

Regarding claim 7, Lumme et al., discloses the method according to claim 6,

further comprising the step of upgrading by the vendor without the need to

decrypt or otherwise provide access to the sensitive intercept related data (8:47-

67 and 9:52-56).

Regarding claim 8, Lumme et al., discloses the method according to claim 1,

further comprising the step of storing programming code for controlling the switch

in the portion of the database including the intercept related data (3:26-59).

Regarding claim 9, Lumme et al., discloses the method according to claim 1,

further comprising the step of providing protection for the intercept related data in

accordance with a lawful intercept legislation (1:32-52).

Regarding <u>claim 10</u>, <u>Lumme et al.</u>, discloses the method according to claim 9, wherein the lawful intercept legislation is CALEA (1:32-52).

Regarding <u>claim 14</u>, <u>Lumme et al.</u>, discloses the apparatus according to claim 11, further comprising a vendor switch (1:31-32).

Regarding <u>claim 15</u>, <u>Lumme et al.</u>, discloses the apparatus according to claim 14, wherein the vendor switch is programmed to prevent display of commands that cause the portion of the database including the intercept related data to be displayed (1:20-41).

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHINWENDU C. OKORONKWO whose telephone number is (571)272-2662. The examiner can normally be reached on MWF 2:30 - 6:00, TR 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272 4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. C. O./

Examiner, Art Unit 2136

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2136